



Year 2004 Legislative Agenda

Bill Briefs — April 5, 2004

The Commission's agenda for 2004 continues to focus on issues of the ***Underserved*** and ***Economic Security*** (including impact of state budget cuts on women and their families). Other priority areas include *Incarcerated Women, Access to Health Care, the Preservation of Women's Reproductive Freedom, Violence Against Women, Gender Equity in Education and Employment, Family Law, and Child and Other Dependent Care*.

The State Legislature has adjourned for Spring Recess until Monday, April 12. This is a good time to touch base with your elected representatives in their district office to discuss your legislative priorities.

This update reflects the status of the Commission's priority bills. Some of these measures are two-year bills, which are preceded by an asterisk*. Please note that the hearing date, if one has been set, is reflected on the "Status" line. If you have questions or would like more information on women's legislation, feel free to contact Vicki Atwood, the Commission's Legislative Coordinator, at 916-322-9462 or via email at vatwood@women.ca.gov. More information and the full text of each bill can be found on the Internet at www.leginfo.ca.gov.

Child and Other Dependent Care

SB 1178 (Kuehl) would enact the Teen Parents in Foster Care Act and make legislative findings and declarations regarding the need to provide resources and support to dependent minor parents.

Status: Senate Health & Human Services, April 14

Position: *Support*

SCR 60 (Battin) would acknowledge April 2004 as Child Abuse Prevention Month.

Status: Assembly Rules

Position: *Support*

Economic Security

AB 1918 (Montañez) would allow school employees to use up to six weeks of differential pay leave to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a new child.

Status: Assembly Public Employees, Retirement & Social Security

Position: *Support*

AB 2317 (Oropeza) would increase the amount of liquidated damages due to employees who are paid unfairly in violation of existing equal pay laws and mandate the types of damages employees should recover if successful in bringing a civil action against their employer for wage discrimination.

Status: Assembly Appropriations

Position: *Support*

AB 2989 (Corbett) would allow CalWORKs recipients to receive aid for a cumulative period of not more than 48 months if he or she has signed a welfare-to-work plan and is continuously enrolled in a training program for registered nurses approved by the Board of Registered Nursing. This shall apply only in counties who elect to provide aid under these provisions.

Status: Assembly Human Services, April 13

Position: *Support*

AJR 66 (Lieber) would proclaim April 20, 2004, as Equal Pay Day.

Status: Assembly Floor, April 12

Position: *Support*

SB 1156 (Alarcón) would encourage access to microenterprise development in order to create new jobs and income opportunities for individuals of low- and moderate-income.

Status: Senate Housing & Community Development, April 19

Position: *Support*

***SJR 15 (Alarcón)** would ask the President and Congress to ensure that the United States is working to meet the basic needs of all families, to begin a process to better calculate the federal poverty level, and to use existing models to calculate poverty, including geographical costs of living.

Status: Approved

Position: *Support*

Education

***AB 618 (Levine)** requires the Department of Motor Vehicles to issue commemorative license plates for collegiate sports organizations and professional sports teams. Revenue generated would support Title IX compliance programs.

Status: Senate Rules

Position: *Support*

AB 2240 (Oropeza) would enact the Equity in Athletics Bill of Rights, specifying a student's rights relating to gender equity in athletics. Would also require the State Department of Education to post the bill of rights on its website and would require a school district that elects to offer competitive or club sports to print, post, and distribute posters setting forth the bill of rights.

Status: Assembly Education

Position: *Support*

AB 2323 (Jackson/Oropeza) would require the State Department of Education to develop a Gender Equity Compliance Survey for high schools offering competitive or club sports opportunities. Schools shall be required to submit the survey annually to the Department as part of its Coordinated Compliance Review and report the results to the public.

Status: Assembly Appropriations

Position: *Support*

***SB 193 (Murray/Burton)** would enact the Student Athletes' bill of rights which would, among other things, eliminate participation by California institutions of higher education in the National Collegiate Athletic Association (NCAA).

Status: Assembly Higher Education

Position: *Oppose*

Employment

***AB 1229 (Simitian)** would provide that , except in certain circumstances, an employer who grants an opportunity or benefit to an employee because that employee submits to the employer's sexual advances or requests for sexual favors is liable for unlawful sex discrimination against other persons who were qualified for, but denied that employment opportunity or benefit

Status: Senate Appropriations

Position: *Support*

AB 1825 (Reyes) would require employers with 50 or more employees to provide two hours of training and education in sexual harassment to all supervisory employees within one year of January 1, 2005, unless they have provided such training after August 1, 2002.

Status: Assembly Judiciary, April 20

Position: *Support*

AB 2889 (Laird) would make employers responsible for acts of non-employees with respect to all forms of harassment in the workplace in cases where the employer or its agents or supervisors knew or should have known of the conduct and failed to take immediate and appropriate corrective action.

Status: Assembly Labor & Employment, April 21

Position: *Support*

Equality

AB 2404 (Steinberg) would prohibit gender discrimination by cities or counties in the administration of community youth athletic programs and in the allocation of parks and recreation facilities and resources that support such programs and activities.

Status: Assembly Appropriations

Position: *Co-Sponsor*

AB 2662 (Jackson) would require the Governor and the Legislature to implement the principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by addressing discrimination against women and girls. Would also require the Governor to evaluate state

agencies and departments to ensure that the State does not discriminate against women in the allocation of funding and delivery of services.

Status: Assembly Appropriations

Position: *Support*

ACR 161 (Oropeza) proclaims February 2-6, 2004, as California Girls and Women in Sports Week.

Status: Approved, Resolution Chapter 12

Position: *Support*

ACR 165 (Jerome Horton) recognizes February 2004 as Black History Month.

Status: Approved, Resolution Chapter 13

Position: *Support*

***SB 301 (Alarcón)** would create the Commission on Latino/Latina Affairs to advise the Governor, the Legislature and state agencies, departments, and commissions on issues relating to the social and economic development, and the rights and interests of Latino/Latina communities.

Status: Assembly Business & Professions

Position: *Support*

SB 1234 (Kuehl) would revise and recast existing provisions of the law relating to hate crimes by, among other things, providing a definition for the term "hate crime".

Status: Senate Public Safety, April 13

Position: *Support*

Family Law

***AB 252 (Jackson)** would permit the Department of Child Support Services to review the current practices of service process regarding paternity and to develop methods to increase personal delivery. Would also require a court to inform an alleged father of a child of his right to have genetic testing performed to determine if he is the biological father and of his right to move to set aside or vacate a judgement of paternity, as specified.

Status: Senate Judiciary

Position: *Support*

***AB 656 (Corbett)** would require every child support order issued on or after January 1, 2004, and every support agreement providing for the payment of child support approved by a court on or after January 1, 2004, to include a separate obligation owed by the support obligor for the cost of collection of past due child support collected by a private child support collector.

Status: Senate Judiciary

Position: *Support*

AB 2089 (Jackson) would require the Judicial Council to develop, post on its website, distribute, and annually update a fact sheet on marriage rights to be distributed by county clerks to marriage license applicants.

Status: Assembly Appropriations, April 14

Position: *Support*

***SB 339 (Alpert)** would enact the Private Child Support Act to regulate the activities of private child support collectors. Among other things, it would limit the fees that may be charged by a private child support collector.

Status: Assembly Judiciary

Position: *Support*

***SB 734 (Ortiz)** would help ensure that the courts protect children from domestic violence by imposing supervised visitation or denying visitation when there is a preponderance of evidence that the parent has perpetrated domestic violence.

Status: Assembly Judiciary

Position: *Support*

***SB 1030 (Ashburn)** would allow a paternity judgment established by default to be set aside if genetic testing indicates the man is not the biological father.

Status: Assembly Judiciary

Position: *Oppose*

SB 1367 (Burton) would state legislative intent to enact legislation to ensure that a change in the residence of a parent entitled to custody of a child not be frustrated by undue delay.

Status: Senate Rules

Position: *Support*

Health Care Access

***AB 232 (Chan)** would require hospitals to, among other things, develop and post a policy regarding self-pay patients; limit fees to the price paid by large government payers such as Medi-Cal; and provide information about Medi-Cal, Healthy Families and other programs for which they might be eligible.

Status: Senate Appropriations

Position: *Support*

***AB 1006 (Chu)** would establish the Healthy Schools Act of 2003, prohibiting all public schools from using the most highly toxic pesticides on school property.

Status: Senate Agriculture & Water Resources

Position: *Support*

AB 2013 (Steinberg) would eliminate the Statewide Fingerprint Imaging System used in determining eligibility for AFDC and the Food Stamp Program.

Status: Assembly Human Services, April 13

Position: *Support*

AB 2025 (Chu) would prohibit the manufacture, sale, or distribution of any cosmetic product containing reproductive toxicants, carcinogens, or mutagens.

Status: Assembly Rules

Position: *Support*

AB 2208 (Kehoe) would require health care plans and insurers to provide coverage to the domestic partner of an employee, subscriber, insured, or policyholder that is equal to the coverage provided to a spouse.

Status: Assembly Judiciary, April 20

Position: *Support*

AB 2324 (Chan) would require state programs that directly furnish information or provide services to the public to collect data regarding the race, ethnicity, and primary language of all program participants, on a voluntary basis. Among other things, would also require the Legislative Analyst's office to conduct a study and to report on policy options to eliminate health disparities.

Status: Assembly Health, April 13

Position: *Support*

***ACR 96 (Shirley Horton)** would urge all Californians to show their support, love, and commitment to someone who has battled breast cancer, and to participate in the 2003 Komen National Race for the Cure.

Status: Assembly Rules

Position: *Support*

***ACR 103 (Garcia)** provides that the Legislature joins with other states and the federal government in recognizing the important issue of breast cancer and dedicates itself to the cause of National Breast Cancer Awareness Month and National Mammography Day.

Status: Assembly Rules

Position: *Support*

ACR 146 (Chan) recognizes February 2004 as American Heart Month in order to raise awareness about the effects of heart disease on women.

Status: Approved, Resolution Chapter 11

Position: *Support*

ACR 153 (Montañez) recognizes January 2004 as Cervical Cancer Awareness Month.

Status: Approved, Resolution Chapter 8

Position: *Support*

ACR 169 (Koretz) would proclaim May 2004 as Postpartum Mood & Anxiety Disorder Awareness Month.

Status: Assembly Appropriations, April 14

Position: *Support*

ACR 186 (Frommer) would proclaim March 2004 as Colorectal Cancer Awareness Month.

Status: Approved, Resolution Chapter #23

Position: *Support*

AJR 53 (Reyes) would request the President and Congress to enact legislation making the Breast Cancer Stamp Program permanent.

Status: Assembly Health, April 27

Position: *Support*

AJR 70 (Garcia) would request the President and Congress to respond to the growing risk of women contracting, and the increased numbers of women who have contracted, HIV/AIDS by providing more funding for prevention, outreach, and treatment programs.

Status: Assembly Health, April 27

Position: *Support*

***SB 379 (Ortiz)** would require hospitals to develop a charity care and reduced payment policy for patients without health insurance, specifying the financial criteria and procedure used to determine eligibility for charity care or reduced payment.

Status: Assembly Health

Position: *Support*

***SB 921 (Kuehl)** establishes the California Health Care System to be administered by a newly created Health Care Agency to provide universal health care coverage for all Californians through a publicly financed system.

Status: Assembly Health

Position: *Support*

SB 1168 (Ortiz) would require the establishment of the Healthy Californians Biomonitoring Program to “measure the pollution in people” and assist scientists, medical professionals, and community members in making more informed decisions and developing better policies to protect public health. The Program would be funded by the assessment of fees on manufacturers or persons who directly produce toxic chemicals.

Status: Senate Rules

Position: *Support*

SB 1196 (Cedillo) would authorize sharing of the National School Lunch Program application for purposes of determining eligibility for the Healthy Families Program and any other county-or locally-sponsored health insurance programs when a child does not meet Medi-Cal eligibility requirements.

Status: Senate Appropriations, April 19

Position: *Support*

SB 1413 (Brulte/Scott) would prohibit, under certain circumstances, a person from being held liable for civil damages as a result of helping someone surrender physical custody of a child to a “safe-surrender” site.

Status: Senate Judiciary

Position: *Support*

SB 1555 (Speier) would require all health insurers to provide coverage for maternity services, including prenatal care, ambulatory care maternity services, involuntary complications of pregnancy, neonatal care, and inpatient hospital maternity care, including labor and delivery and postpartum care.

Status: Senate Insurance, April 21

Position: *Support*

SB 1741 (Hollingsworth) would revise existing law pertaining to the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act.

Status: Senate Education, April 21

Position: *Oppose*

SCR 42 (Soto) recognizes the month of February as Women in Pain Awareness Month.

Status: Approved

Position: *Support*

SCR 57 (Margett) proclaims February 6, 2004, as Go Red for Women Day and encourages all Californians to wear red on that day, in support of those women whose lives have been touched by heart disease or stroke.

Status: Approved, Resolution Chapter 15

Position: *Support*

SCR 59 (Machado) would declare May 2004 as Teen Pregnancy Prevention Awareness Month to coincide with May 5, 2004, the National Day to Prevent Teen Pregnancy.

Status: Assembly Rules

Position: *Support*

Reproductive Health

AB 2291 (Haynes) would require all physicians and surgeons who provide abortions under Medi-Cal to obtain a written statement from the patient which states she was not coerced into having an abortion and her decision was voluntary. Would also require providers to submit the statement along with the claim for payment in order to be reimbursed for performing the procedure.

Status: Assembly Health, April 13

Position: *Oppose*

AB 2331 (Mountjoy) would require, for an abortion performed in the 3rd trimester of pregnancy, physicians to offer the pregnant woman information and counseling on fetal pain, as well as anesthesia for the fetus.

Status: Assembly Health, April 27

Position: *Oppose*

AB 2563 (Bogh) would impose additional penalties on pregnant women who are under the influence of controlled substances in the amount of a \$10,000 fine and one year in state prison, or both. Also would require life imprisonment for child abuse resulting in death and adds this crime to the serious felony list.

Status: Assembly Public Safety

Position: *Oppose*

AJR 57 (Jackson/Chan) would request the President and Congress to stand firm in their resolve to uphold the intent and substance of the U.S. Supreme Court decision in Roe v. Wade.

Status: Senate Judiciary, April 13

Position: *Support*

SB 1221 (Morrow) would require school districts to specifically send a separate notice to parents or guardians that students may be released from school for confidential medical services without parents' permission. Would further require that the parent or guardian must sign and return the notice to the school.

Status: Senate Education, April 14

Position: *Oppose*

SB 1590 (Dunn) would exempt from disclosure the personal information of registered nurse employees, volunteers, officers, contractors, and other employees of a reproductive health facility, as defined by the Freedom of Access to Clinic and Church Entrances Act.

Status: Senate Judiciary, April 13

Position: *Support*

SB 1593 (Hollingsworth) would require all physicians and surgeons who provide abortions under Medi-Cal to obtain a written statement from the patient which states she was not coerced into having an abortion and her decision was voluntary. Would also require providers to submit the statement along with the claim for payment in order to be reimbursed for performing the procedure.

Status: Senate Health and Human Services

Position: *Oppose*

Violence

ACR 148 (Cohn) would proclaim October 2004 as Domestic Violence Awareness Month.

Status: Assembly Rules

Position: *Support*

ACR 149 (Cohn) would proclaim October 8, 2004, as Health Cares About Domestic Violence Day.

Status: Assembly Rules

Position: *Support*

ACR 183 (Dymally) would proclaim May of every year as Elder and Dependent Adult Abuse Prevention Month.

Status: Assembly Rules

Position: *Support*

ACR 194 (Chu) would proclaim that April be designated as Sexual Assault Awareness Month from this time forward.

Status: Assembly Floor

Position: *Support*

ACR 197 (Maze) would recognize April 21, 2004, as Denim Day California to encourage awareness of issues relating to rape and sexual assault.

Status: Assembly Rules

Position: *Support*

ACR 198 (Garcia) would proclaim May 2004 as Elder Abuse Prevention Month.

Status: Assembly Rules

Position: *Support*

AJR 64 (Chu) would call upon local, state, and federal law enforcement authorities to work to prevent bias-motivated crimes and to investigate and prosecute vigorously all such crimes against all Americans, including Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans.

Status: Senate Rules

Position: *Support*

SB 1385 (Burton) would make various changes in existing law related to domestic violence and “battered women’s syndrome”. Would expand the class of survivors eligible to file a habeas petition to include: 1) those who committed any crime so long as the abuse is directly related to the act, and 2) abused women whose offenses occurred prior to August 29, 1996.

Status: Senate Public Safety

Position: *Support*

SB 1441 (Kuehl) would give victims of domestic violence the right to have a domestic violence advocate and a support person of his or her choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys. Also would require the attending law enforcement authority or district attorney to notify a victim of domestic violence of that right prior to commencement of an initial interview.

Status: Senate Appropriations, April 19

Position: *Support*

SB 1676 (Romero) would require domestic violence reports prepared by law enforcement to include a notation of whether the officer noticed evidence of injuries or bodily harm to the victim, assailant, or both.

Status: Senate Public Safety

Position: *Support*

Women in Prison

***AB 1530 (Negrete McLeod)** requires the probation department to provide notice of and a written application for community treatment programs to a woman sentenced to state prison. Also requires the Department of Corrections to admit to the program any applicant who meets admission criteria, whose child was born prior to her incarceration, or who is pregnant.

Status: Senate Public Safety

Position: *Support*

AB 1796 (Leno) would provide that a convicted drug felon shall be eligible for aid under the Food Stamp Program.

Status: Assembly Appropriations, April 14

Position: *Support*

AB 1803 ((Bermúdez)) would provide a procedure for the placement of infants born to women incarcerated in state prison or California Youth Authority facilities, as specified, including the

evaluation of certain potential caretakers by county social welfare departments. Would require that a pregnant woman be given information about her options for placement and the potential for termination of parental rights under the federal Adoption and Safe Families Act and she be assisted in authorizing a placement plan for her newborn.

Status: Assembly Human Services, April 13

Position: *Support*

AB 1941 (Chan) would require law enforcement and protective services agencies, beginning January 1, 2005, to develop protocols regarding how to best cooperate in their response to the arrest of a caretaker parent in a home where a minor child resides in order to ensure the child's safety and well-being.

Status: Assembly Appropriations, April 14

Position: *Support*

SB 1287 (Kuehl) would require courts to inform defendants that their acceptance of a plea may have the unintended consequence of terminating their parental rights. Also requires the Department of Corrections to, among other things, identify and change policies that unnecessarily hinder family contact; to provide a child-friendly environment for visits between incarcerated parents and their children; and to provide information and resources for families of the incarcerated, including, specifically, children of incarcerated parents, on the Department website.

Status: Senate Public Safety, April 13

Position: *Support*